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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,059	02/26/2002	Seiichi Miyanaga	219886US0DIV	3155
22850	7590	03/03/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRUONG, DUC	
		ART UNIT	PAPER NUMBER	
				1711

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	10/082,059	MIYANAGA ET AL.	
	Examiner Duc Truong	Art Unit 1711	
<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<p>THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.</p>			
<u>PERIOD FOR REPLY</u> [check either a) or b)]			
<p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p style="text-align: center;">ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
<p>1. <input checked="" type="checkbox"/> A Notice of Appeal was filed on <u>06 January 2004</u>. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.</p> <p>2. <input type="checkbox"/> The proposed amendment(s) will not be entered because:</p> <ul style="list-style-type: none"> (a) <input type="checkbox"/> they raise new issues that would require further consideration and/or search (see NOTE below); (b) <input type="checkbox"/> they raise the issue of new matter (see Note below); (c) <input type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) <input type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims. 			
<p>NOTE: _____.</p>			
<p>3. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p> <p>4. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>5. <input checked="" type="checkbox"/> The a)<input type="checkbox"/> affidavit, b)<input type="checkbox"/> exhibit, or c)<input checked="" type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.</p> <p>6. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</p> <p>7. <input checked="" type="checkbox"/> For purposes of Appeal, the proposed amendment(s) a)<input type="checkbox"/> will not be entered or b)<input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p>			
<p>The status of the claim(s) is (or will be) as follows:</p>			
<p>Claim(s) allowed: <u>10, 11 and 19-25</u>.</p>			
<p>Claim(s) objected to: <u>none</u>.</p>			
<p>Claim(s) rejected: <u>6-9 and 12-18</u>.</p>			
<p>Claim(s) withdrawn from consideration: _____.</p>			
<p>8. <input type="checkbox"/> The drawing correction filed on _____ is a)<input type="checkbox"/> approved or b)<input type="checkbox"/> disapproved by the Examiner.</p>			
<p>9. <input type="checkbox"/> Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.</p>			
<p>10. <input type="checkbox"/> Other: _____.</p>			

Continuation of 5. does NOT place the application in condition for allowance because: for the reasons as stated in the last Office action and for the following reasons: Applicant's arguments are based on the use of acidic catalyst in Polymer Chemistry reference to show the polymerization degree of 150 or more can not be produced. They are not persuasive since they are not commensurate in scope with the claims Note that based on a molecular number of up to 10,000, the polymerization degree is based on the MW of each repeating unit, the catalyst, the conditions---. The smaller MW of the repeating unit, the bigger degree of the polymerization. Further, said arguments are not consistent with itself since the repeating unit of claim 6 is >150 whereas the repeating unit of claim 7 is >5. Applicants do not explain how the polyether of claim 6 and claim 7 have different repeating units and where they come from..



DUCTRUONG
PRIMARY EXAMINER